

O'TOOLE SCRIVO

A LIMITED LIABILITY COMPANY

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April 3, 2024

Via CM/ECF

Hon. Claire C. Cecchi, U.S.D.J.
United States District Court, District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Courtroom MLK 5B
Newark, New Jersey 07101

Re: *New Wallington Home, LLC, et al. v. Borough of Wallington, et al.*
Civil Case No.: 20-08178 (CCC) (ESK)

Dear Judge Cecchi:

This firm represents plaintiffs in this matter. This matter was previously placed on administrative termination by Judge Kiel as the parties finalized a potential settlement, which required significant time due to the need for government approvals. On February 2, 2024, the undersigned wrote to inform the Court of a likely partial settlement of the Tax Issues in the Complaint, pending final approval from the Borough Council at a February 22, 2024 public meeting. We are informed that the vote to approve never occurred and is now scheduled for April 11, 2024. Plaintiffs have concerns about whether the settlement will be approved and finalized. In any event, Plaintiffs intend to proceed with, at a minimum, the remaining claims in the matter not resolved by the settlement and if not approved by the Borough Council, the entire matter.

As Judge Kiel was recently appointed as a District Judge and this matter has not been reassigned to a new Magistrate Judge, I have directed this correspondence to Your Honor. Plaintiffs respectfully request that a new Magistrate Judge be assigned, and a status conference be scheduled shortly after the April 11, 2024 Council Meeting to discuss moving forward with Plaintiffs' remaining claims.

Thank you in advance for your consideration.

Respectfully submitted,

/s/ *James DiGiulio*
James DiGiulio

JD:mfc